

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**JANET AVILES**

**Plaintiff,**

**v.**

**BAE Systems Norfolk Ship Repair, Inc., and  
BAE Systems Ship Repair, Inc.,**

**Defendants.**

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**Case No.: 2:16-cv-58**

**DEFENDANTS' SUPPLEMENTAL RESPONSES TO PLAINTIFF'S REQUESTS FOR  
PRODUCTION NUMBERS: 3, 8, 9, 10, 11, 14, 15, 19, and 28**

Defendants BAE Systems Norfolk Ship Repair, Inc. and BAE Systems Ship Repair, Inc. (collectively "BAE Norfolk Ship Repair" or "Defendants"), by and through counsel, and pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure and Eastern District of Virginia Local Rule 26(c), hereby submit their supplemental responses to Plaintiff's Requests for Production of Documents Nos. **3, 8, 9, 10, 11, 14, 15, 19, and 28** as follows:

**GENERAL OBJECTIONS**

1. BAE Norfolk Ship Repair objects to these Requests on the grounds that they are vague because they fail to specify to which defendant they are addressed. Without waiving this objection, Defendants treat these Requests as addressed to both Defendants and answer them on behalf of both Defendants.

2. BAE Norfolk Ship Repair objects to these Requests to the extent they seek documents and/or ESI regarding individuals who are not parties to this litigation or purported comparators of parties to this litigation, because those requests seek documents and information

0001832-1837, 0001840-1926, 0001931-1943, 0001946-1953, 0002085-2210, 0002366-2368, 0002379-2388, 0002393-2499, 0002504-2556, 0002559-2561, 0002579-2580, 0002601-2602, 0002649-2707. Defendants searched for responsive documents in Plaintiff's complete personnel and medical files maintained in Defendants' custody and control. To the extent that any documents were withheld on the basis of attorney-client and/or work product privilege, Defendants refer plaintiff to the privilege log produced on June 6, 2017.

**REQUEST NO. 19:**

**Produce the complete personnel files of all employees in the Prefab Shop who received work accommodations in connection with a disability, including but not limited to: Plaintiff, Luther Sutton, Roger Campbell, Aaron Moore, and Johnny Kervin.**

**OBJECTIONS TO REQUEST NO. 19:**

BAE Norfolk Ship Repair objects to this Request on the grounds that it is overly broad, not limited in timeframe or scope, seeks information that is not relevant to the subject matter of this litigation, and would require an unduly burdensome investigation that is not proportional to the needs of the case. BAE Norfolk Ship Repair further objects to this Request on the grounds that it seeks information, disclosure of which would constitute an unwarranted invasion of the affected persons' constitutional, statutory and/or common law rights of privacy and confidentiality. BAE Norfolk Ship Repair also objects to this Request on the grounds that it seeks information protected by the attorney-client privilege and/or attorney work-product doctrine.

**RESPONSE TO REQUEST NO. 19:**

Subject to and without waiver of the foregoing general and specific objections, and subject to entry of an appropriate confidentiality protective order, Defendants will provide non-privileged documents related to Prefab shop employees with similar work restrictions to those Plaintiff had after February 11, 2015, identified in a reasonable investigation.

Defendants refer Plaintiff to BAE\_AVILES0002808-2989 and 0004427-4434. At this time Defendants have searched the personnel files for Luther Sutton, Roger Campbell, Aaron Moore, and Johnny Kervin. Defendants' investigation into other Prefab shop employees with work restrictions similar in scope to those that Plaintiff had after February 11, 2015 is ongoing. At this time no other shop 620 (Prefab) employees with work restrictions similar in scope to those Plaintiff had after February 11, 2015 have been identified. To the extent other shop 620 (Prefab) employees with work restrictions similar in scope to those Plaintiff had after February 11, 2015 are identified, Defendants will supplement their response. At this time, Defendants have not withheld any responsive documents to this request on the basis of attorney-client privilege and/or work product doctrine. Any redactions applied to personnel files relate only to non-responsive documents and/or personally identifiable information of third parties to this lawsuit.

**REQUEST NO. 28:**

**Identify and produce all documents gathered in connection with any investigation conducted in connection with Plaintiff's claims.**

**OBJECTIONS TO REQUEST NO. 28:**

BAE Norfolk Ship Repair objects to this Request on the grounds that "any investigation conducted in connection with Plaintiff's claims" is vague, seeks information that is not relevant to the subject matter of this litigation and would require an unduly burdensome investigation that is not proportional to the needs of the case, to the extent it is overly broad, and not limited in timeframe or scope. BAE Norfolk Ship Repair further objects to this Request on the grounds that it seeks information, disclosure of which would constitute an unwarranted invasion of the affected persons' constitutional, statutory and/or common law rights of privacy and confidentiality. BAE Norfolk Ship Repair also objects to this Request on the grounds that it

seeks information protected by the attorney-client privilege and/or attorney work-product doctrine.

RESPONSE TO REQUEST NO. 28:

Subject to and without waiver of the foregoing general and specific objections, *see* Defendants' response to Request No. 3.

To the extent any documents have been withheld on the basis of attorney-client privilege and/or work product doctrine, Defendants refer Plaintiff to the privilege log produced on June 6, 2017.

Date: June 6, 2017

Respectfully submitted,

/s/ Kenneth Willner

Kenneth Willner (Va. Bar No. 28087)

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Inc.*